EXECUTIVE SUMMARY - ENFORCEMENT MATTER

TER Page 1 of 3

DOCKET NO.: 2001-1422-MWD-E TCEQ ID: 12780-001 CASE NO.: 7767 RESPONDENT NAME: SOUTHWOOD ESTATES, INC.

ORDER TYPE:		
· · · · · · · · · · · · · · · · · · ·		
_1660 AGREED ORDER	X FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AĭR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
X MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
intersection of State Highway 6 and State TYPE OF OPERATION: Waste treatm	URRED: Approximately 1900 feet north of State I e Highway 288, near Manvel, Brazoria County ment facility	Highway 6 and two miles east of the
SMALL BUSINESS: X Yes	No	
OTHER SIGNIFICANT MATTERS: regarding this facility location.	There are no complaints. There is no record of ad-	ditional pending enforcement actions
INTERESTED PARTIES: No one other	er than the ED and the Respondent has expressed a	n interest in this matter.
COMMENTS RECEIVED: The Texas	Register comment period expired on July 5, 2005.	No comments were received.
Ms. Jennifer TCEQ Enforcement Coordina TCEQ Regional Contact: Ms.	Guerra, Litigation Division, MC R-13, (210) 403-40 Cook, Litigation Division, MC 175, (512) 239-187 Ator: Mr. Terry Murphy, Air Enforcement Section, Catherine Albrecht, Houston Regional Office, MC	73 MC 149, (512) 239-5025 CR-12, (713) 767-3672
Respondent: Mr. David S. Mill	er, President and Registered Agent, Southwood Es	states, Inc., P. O. Box 757, Pearland, Texas

Respondent's Attorney: Not represented by counsel on this enforcement matter.

RESPONDENT NAME: SOUTHWOOD ESTATES, INC. DOCKET NO.: 2001-1422-MWD-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED **Ordering Provisions:** Type of Investigation: Initial Calculated Penalty: \$56,700 The Respondent shall pay Total Assessed: \$31,350 Complaint \$40,650* to pay prior penalties Routine owed in a Commissioner Order Enforcement Follow-up Total Deferred: \$0 with Docket No. 1998-0219-X Records Review MWD-E. Expedited Settlement Date of Complaints Relating to this Case: None Financial Inability to Pay Dates of Investigation Relating to this Case: June 20, 2001, June 27, SEP Conditional Offset: \$0 * The Respondent paid the 2001, and May 13, 2002 \$40,650 and the current penalties Total Paid to General Revenue: \$31,350 from the closing of the property as discussed in the background Date of NOE Relating to this Case: September 14, 2001, May 13, 2002 The Respondent has paid facts. the **Background Facts:** administrative penalty in full. Site Compliance History Classification The Respondent purchased the subject wastewater treatment facility in __ High X Average Poor 1999. Prior to the purchase, the Respondent had been ordered to pay \$40,650 pursuant to a 1998 Agreed Order. Compliance Person History During an inspection on June 27, 2001, the TCEQ investigator Classification documented that the Respondent failed to comply with the order and __ High X Average __ Poor failed to make any of the payments. The current action was initiated to enforce the 1998 Agreed Order and to assess penalties for additional Major Source: Yes X No violations discovered at the facility. The Respondent claimed that it had no money to fix the property or pay the penalty. Settlement negotiations Applicable Penalty Policy: were unsuccessful so the matter was referred to SOAH. September 2002 While the matter was at SOAH the facility was sold to Gulf Coast Utilities in 2005 and a compliance agreement was reached between Gulf Explanation of Initial Calculated Coast and the TCEQ. Therefore, there are no corrective measures in this Penalty Reduction: The amount assessed was reduced due to The Respondent in this case does not owe any other penalties according litigation risk and the facts in this case. to the Administrative Penalty Database Report. Findings Order Justification: **MWD** There was an absence of management 1. Failed to: practices designed to ensure compliance. a) Conduct an analysis of the physical condition of each component of the existing wastewater treatment facility by 12/27/99. b) Develop and submit to the TNRCC by 12/27/99 a written Standard Operating Procedures ("SOP") for the operation and routine scheduled and preventive maintenance of all components of the Facility, prepared by a Texas Registered professional Engineer. c) Have a Texas Registered Professional Engineer review the SOP in the field with the Facility's operator(s) by January 26, 2000.

RESPONDENT NAME: SOUTHWOOD ESTATES, INC. DOCKET NO.: 2001-1422-MWD-E

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
d) Submit to the TCEQ written certification of completion of the SOP field review by February 5, 2000.		
e) Submit written certification of compliance with the limits of TPDES Permit No. 12780-001 and with the plans and schedules [Agreed Order No. 1998-0219-MWD-E, Ordering Provisions 2.c2.g.]		•
2) Failed to prevent the unauthorized discharge of wastewater from the northwest corner of the aeration basin [TPDES Permit No. 12780-001 Permit Conditions 2.d. and 2.g., 30 Tex. ADMIN. CODE § 305.125(1) and (5)].		
3) Failed to submit discharge monitoring reports (DMRs) by the twentieth day of the month for January 2000 through June 2000 and August 2000 through May 2001 [TPDES Permit No. 12780-001 Monitoring and Reporting Requirements 1, 30 Tex. Admin. Code §§ 319.7(d) and 305.125(a)].		
4) Failed to submit to the TCEQ Regional Office and Database and Monitoring Team of the Enforcement Division by September 1, 2001, an annual sludge report for the years 2000 and 2001 [TPDES Permit No. 12780-001 Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill G, and 30 Tex. ADMIN. CODE § 305.125(1)].	,	
5) Failed to submit discharge monitoring reports (DMRs) for the months of July 2000, and for June 2001 through March 2002. Eleven single violation events are recommended for the eleven DMRs not submitted for the months July 200, and June 2001 through March 2002. [TPDES Permit No. 12780-001 Monitoring and Reporting Requirements 1, 30 Tex. ADMIN. CODE §§ 319.7(d) and 305.125(1)].		
6) Failed to comply with permitted effluent limits [TPDES Permit No. 12780-001 Effluent Limitations and Monitoring requirements, and 30 Tex. ADMIN. CODE §§ 305.125(1)].		

	Page 1 of 14 06/1		\Temp\9-21-04 PC		
Policy Revision 2 (09/	•	Calculation \	Norksheet (PCW)	PCW Revision 09/24/02
DATES					
	21-Sep-2004 Screenin	g 26-Nov-2001	Priority Due 26-	Mar-2002	EPA Due N/A
RESPONDENT INFORMATI		9 201101200			
	Southwood Estates, Inc.				
·	TPDES Permit No. 12780-001				
Facility/Site Region	18	€		Maior/Mi	nor Source Minor
CASE INFORMATION	.2		Markate et a		
Enf./Case ID No(s).	7767				
Docket No.	2001-1422-MWD-E	s. 1		No	. Violations 6
Case Priority	3		(Order Type	
Enf. Coordinator	Terry Murphy		EC's U	nit/Region	Central Office Team 5
Media Program(s)	Water Quality	2			
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000		
	Po	nalty Calcula	tion Section		
Semanan Sekuakkan kalaman kalaman da akarah dalamat sa melilara sa ayama sa seba	which is the paying an enter the residence of the second property of the second property of	indramination description in the interest of the		nya gyara dagagaga	No. Compared Manager (Manager Compared Compare
TOTAL BASE PENALT	Y (Sum of violation base	penalties)	ali alikalisi s		Subtotal 1 \$27,000
ADJUSTMENTS (+/-) T	O SUBTOTAL 1				
The second secon	ained by multiplying the Total Base Per	nalty (Subtotal 1) by the	indicated percentage.	1111 1995 11. 10.42	4
Compliance I	-listory	85%	Enhancement	Subto	tals 2, 3 & 7 \$22,950
	The compliance history period 11/22/99, 11/15/99,10/18/99 (
No.	Ordering Provisions violations				 .
Notes	NOVS for 10/99, 1/00, 2/00	, 6/00, 10/00, 11/00	, 3/01, 4/01, and 5/0)1. The	
	Findings Order, Docket No. violations relating to wastewat	1998-0219-MWD-E er treatment plant c	, effective 10/28/99, peration, reporting,	and fees.	
	Holadon Folding to Hadiona		p,p,		
					2007-2008: Diskut to the state of the contract of the contra
Culpability	Yes Select Yes/No	25%	Enhancement	misslandi Misslandi	Subtotal 4 \$6,750
		0 . : # F-f	District		
	A meeting was held on 5/5/0 Respondent and commented				
Notes	The Respondent's letter reco	gnized the need to			+
		10/28/99.			·
Good Faith F	ffort to Comply	0%	Reduction		Subtotal 5 \$0
	Before NOV NOV to EDPRP/S	e julius de partir de la companya d	January Control of the State of	ara Malama Biret (al Pari is	
Extraordinary	Belore NOV IN TO LEST NATION				
Ordinary					
None of the above	X (mark with small)		•		+
Notes	The Respon	ndent is not yet in c	ompliance.		
Economic Be	nofit	0%	Enhancement*		Subtotal 6
LCOIIOIIIIC De	\$2,718 Total EB Amou	in a section of the Authority of the Section of the	*Capped at the Total		Observation of the second seco
			Capped at the Total	EB & Amount	=
na mangangan gantanka mangalahka gilanguning mpanguni wanguni pangalahka dapa kapalahka palaya mandala	\$6,935 Approx. Cost of	r Compliance			energy group (ny gap ngan nng grope nng gr
SUM OF SUBTOTALS	1-7			Fina	l Subtotal \$56,700
	and the second s				+
	JUSTICE MAY REQUIRE	-3			Adjustment \$0
Reduces or enhances the Final Sub Notes	itotal by the indicated percentage.	(enter number only;	e.g30 tor -30%)		=
Notes	·			nal Panal	y Amount \$56,700
enterant stratuck in stransfalle stableten stansant oder until 1855 i stansan var saturatura ar strans	ar kinnin minnin 1970-yil ola 1975ka ala piri minni filah ilake 1975 kina kina kina kina minnin kana dala sa k a	وراسان والمراور والمراورة والمراورة والمراورة والمراورة والمراورة والمواودة والمواودة والمراورة والمراورة	AN THE PERSON AND AN AND A	e maj ngarangggaya jayak teg	
STATUTORY LIMIT AD	JUSTMENT		Fina	al Assesse	ed Penalty \$56,700
		(A)			-
DEFERRAL	Deferra		Reduction		Adjustment \$0
Reduces the Final Assessed Penalt			e.g. 20 for 20% reductio	<u>'''</u>	
Notes	No deferr	al as this is a Findir	as order	1	=

\$56,700

PAYABLE PENALTY

Page 2 of 14

06/14/05

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Docket Number 2001-1422-MWD-E PCW
Policy Revision 2 (09/02)

PCW Revision 09/24/02

Screening Date 26-Nov-2001 Respondent Southwood Estates, Inc.

Case ID No.

Respondent/Site ID No. TPDES Permit No. 12780-001

Media [Statute] Water Quality

Site Address

Enf. Coordinator Terry Murphy Approximately 1900 feet north of State Highway 6 and two miles east of the intersection of State Highway 6 and State Highway 288, Brazoria County

Compliance History Worksheet

Compliance History Site Enhancement (Subtotal 2)

Component	Number of Enter N	umber Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	12	60%
	Other written NOVs		0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions -	Any criminal convictions of this state or the federal government (number of counts)		0%
Emissions	Chronic excessive emissions events (number of events)		0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which no violations were disclosed)		0%
Addio	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%
	Please ente	er Yes or No	. The state
	Environmental management systems in place for one year or more		0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program		0%
Other	Participation in a voluntary pollution reduction program		0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements		0%

		Adjustment Percentage (Subtotal 2)	85%
>>	Repeat Violator (Subtotal 3)		and the second second
	No Select Yes/No	Adjustment Percentage (Subtotal 3)	0%
>>	Compliance History Person Classification (Subtotal 7)	0%	
	Average Performer Select High, Average or Poor	Adjustment Percentage (Subtotal 7)	0%
Complian	nce History Summary		148
	The compliance history period under review Compliance History violations) were reviewed, as well as self-reported 14/02, 2/04, 4/04, and 5/04, The Findings Out	ations), and 9/16/99 (for Ordering Provisions d effluent NOVs for 10/99, 1/00, 2/00, 6/00, 10/00,	

10/28/99, includes violations relating to wastewater treatment plant operation, reporting, and fees.

Total Adjustment Percentage (Subtotals 2, 3 & 7)

85%

		Page 3 of 14	06/14/05	C:\WINNT\T	emp\9-21-04 PCW.wb	2		pargraphics.
	Screening Date	26-Nov-01	Docke	et Number	2001-1422-MWD-E		PC	rbedavide
	Respondent	Southwood Esta	ites, Inc.				Revision 2 (09/	
	Case ID No.	7767				PCW	Revision 09/24	/02
Respon	dent/Site ID No.	TPDES Permit 1	No. 12780-001					
	Media [Statute]	Water Quality					•	'
F	Enf. Coordinator	Terry Murphy	_					
	iolation Number	1						
Pr	rimary Rule Cite	Agreed C	order No. 1998-	0219-MWD-E	Ordering Provisions 2	?.c 2.g.		
S	econdary Cite(s)				,			
Viola	tion Description							
		the existing was the TNRCC by operation and ro of the Facility, pi Engineer review Submit written Submit written 12780-001 a 4/25/00. Thes	stewater treatm 12/27/99 a writte outine schedule repared by a Te v the SOP in the in certification of in certification of and with the plar e violations were	ent facility by en Standard (d and preven exas registere e field with the completion o compliance v as and schedure documente	ysical condition of each 12/27/99. b) Develop Develop Procedures tative maintenance of a d professional enginee Facility's operator(s) of the SOP field review with the limits of TPDE ales of Ordering Provised during an investigation 6/20/01 and 1/14/02.	and submit to ("SOP") for the all components er. c) Have the by 1/26/00. d) by 2/5/00. e) S Permit No. sions 2.c. by		
	'	· · · · · · · · · · · · · · · · · · ·				Base Penalty	\$10,0	000
»	Environmental,	Property and	Human Heal	th Matrix				-00
			Harm			3		
	Release	Major	Moderate	Minor	•			
OR	Actual		1					
	Potential				Percent			
	7 Otoman		JL				•	- 1
»	Programmatic N	// Matrix		r e				
	Falsification	Major	Moderate	Minor			•	
OR	raisincation	ıviajoi X	Moderate	IVIII IOI	Percent	10%		
			<u></u>		1 CI COM	10 <i>70</i>	-	
Matrix Notes		100% of the	requirements w	ere not met.			•	
Notes				<u> </u>		<u></u>		
					Adjustment	-\$9,000		
	•				Base Pen	alty Subtotal	\$1,0)00
	Violation Events						•	
2007 2007 200 200 200		olation Events	3	1				
				- 4				į
mark (only one; use small x	daily monthly quarterly semiannual annual single event			Violation B	ase Penalty	\$3,0	00
Events Notes	Three annual vic		recommended e 11/26/01 scre		er issuance date of			
	Economic Bene	fit (EB) for this	s violation		Statutory Limit Tes			
	Estimated E	B Amount (\$)	\$1,171	Ц	Violation Final F	Penalty total	\$6,3	300
		This Vic	olation Final	Assessed	l Penalty (adjuste	d for limits)	\$6,3	300
	A Continue of the continue of	neso neso				10.00		

Respondent						of presidents and providents at a con-	
1.4 等性基础的基础的数据的 1.1 化二氯甲基酚 1.1 化二氯甲基甲基乙基酚甲基甲基甲基甲基	Southwood Estates	, Inc.			F	TO STORE THE THE STATE OF THE	Euro 180 desemble de 1800
ID Number(s)	7767					Percent	
Media [Statute]	Water Quality					Interest	Depreciation
Violation Number	1	. e. juni liter nobel Grands A			grayayan garabaya	5.0	-1
ltem Description	Item Cost No commas or \$	Date Required	Final Date		Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$
Buildings				0.0	\$0	\$0	
Other (As needed)	·			0.0	\$0	\$0	
Engineering/construction	\$5,000	27-Dec-1999	1-May-2003	3.3	\$56	\$1,115	\$1,17
Land				0.0	\$0	n/a	\$
Record Keeping System				0.0	\$0	n/a	\$
Training/Sampling				0.0	\$0	n/a	
Remediation/Disposal				0.0	\$0	n/a	
Permit Costs				0.0	\$0	n/a	\$
Other (As Needed)					1		
Notes for DELAYED costs	Costs needed to a	analyze facility, de	evelop and submit		\$0 have SOP rev	n/a iewed in the field	\$ by operator and
Notes for DELAYED costs Avoided Costs	overgo, we stronger than the property of the second	Const. To the second se		a SOP, and ngineer.	have SOP rev	iewed in the field	by operator and
	overgo, we stronger than the property of the second	Const. To the second se	er	a SOP, and ngineer.	have SOP rev	iewed in the field t for one-time av	by operator and bided costs)
Avoided Costs Disposal Personnel	overgo, we stronger than the property of the second	Const. To the second se	er	a SOP, and ngineer.	have SOP rev	iewed in the field	by operator and bided costs)
Avoided Costs Disposal Personnel	overgo, we stronger than the property of the second	Const. To the second se	er voided costs befo	a SOP, and ngineer.	p item (except	iewed in the field t for one-time av	by operator and pided costs)
Avoided Costs Disposal Personnel	overgo, we stronger than the property of the second	Const. To the second se	er voided costs befo	a SOP, and ngineer. Dre entering 0.0 0.0	g item (except	t for one-time average \$0 \$0 \$0 \$0	by operator and pided costs) \$ \$ \$
Avoided Costs Disposal Personnel inspection/Reporting/Sampling	overgo, we stronger than the property of the second	Const. To the second se	er voided costs befo	a SOP, and ngineer. ore entering 0.0 0.0 0.0	p item (except	iewed in the field for one-time ave \$0 \$0 \$0	by operator and bided costs) \$ \$ \$ \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]	overgo, we stronger than the property of the second	Const. To the second se	er voided costs befo	ore entering	g item (except	t for one-time average so the solution of the	by operator and bided costs) \$ \$ \$ \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	overgo, we stronger than the property of the second	Const. To the second se	er voided costs befo	ore entering	g item (except \$0 \$0 \$0 \$0 \$0	t for one-time average \$0 \$0 \$0 \$0 \$0 \$0	by operator and bided costs) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]	overgo, we stronger than the property of the second	Const. To the second se	voided costs before	a SOP, and rgineer. ore entering 0.0 0.0 0.0 0.0 0.0 0.0	g item (except \$0 \$0 \$0 \$0 \$0 \$0	t for one-time average so the solution of the	by operator and

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		Page 5 of 14	06/14/05	C:\WINNT\T	emp\9-21-04 PCW.wb	2	
	Screening Date	26-Nov-01	Docl	ket Number	2001-1422-MWD-E		PCW
	Respondent	Southwood Esta	tes, Inc.			-	levision 2 (09/02)
	Case ID No.	7767				PCW F	Revision 09/24/02
Respor	ndent/Site ID No.	TPDES Permit N	No. 12780-001				
	Media [Statute]	Water Quality					
je je je	Enf. Coordinator	Terry Murphy	_				
ν	iolation Number	2					
P	rimary Rule Cite	TPDE	S Permit No.	12780-001 Per	mit Conditions 2.d. and	l 2.g.	
S	Secondary Cite(s)		30 Tex. A	dmin. Code § 3	305.125(1) and (5)		
Viola	ation Description				ge of wastewater from ed during an inspection	on 6/27/01.	
e management e						Base Penalty	\$10,000
»	Environmental,	Property and I	Human Hea	ılth Matrix			•
			Harm				•
	Release	Major	Moderate	Minor			•
OR	Actual			X	1		•
	Potential				Percent	10%	•
1					•		•
»	Programmatic N	1atrix					•
	Falsification	Major	Moderate	Minor	,		•
OR .					Percent		•
Matrix Notes	insignificant amou		ot exceeding	levels protectiv			
					Adjustment	-\$9,000	
	***************************************				Base Pens	alty Subtotal	\$1,000
	Violation Events						•
	Number of Vi	olation Events	1.				
		mulius value na menor e a			•		•
mark	only one; use small x	daily					•
		monthly					•
		quarterly		<u></u>		į	
		semiannual		,	Violation Ba	ase Penalty	\$1,000
		annual					
		single event	X				•
ı							
Events	Based on the discha		during the 6/2 t is recommer		n, one single violation		
Notes		even	t is reconfiner	idea.			
	Economic Bene	fit (EB) for this	violation		Statutory Limit Tes		
	Estimated E	B Amount (\$)	\$1,50	00	Violation Final P	enalty total	\$2,100
		Thio Via	Jation Fina	I Accorco	l Penalty (adjusted	d for limital	¢2 400
		IIIS VIC	nauvii Filla	u A3363360	r enarty (aujustei	o(3)	\$2,100

	Page 6 of	14 06/14/05	C:\WINNT\Ter		PCW.wb2		
		Economic	Benefit Wor	ksheet			
Respondent Sou	thwood Estates	, Inc.					
ID Number(s)	7767					Percent	
Media [Statute] Wat	ter Quality					Interest	Depreciation
Violation Number	2					5.0	15
ltem Description №	Item Cost commas or \$	Date Required	Final Date		Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
. Equipment		-		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land		·		0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0
Avoided Costs Disposal	A	NNUALIZE [1] a	voided costs bet			t for one-time avo	
Personnel				0.0	\$0 \$0	\$0	\$0 \$0
Inspection/Reporting/Sampling				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equip				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]	-			0.0	\$0 \$0	\$0	\$0 \$0
ONE-TIME avoided costs [3]	\$1,500	27-Jun-2001	28-Jun-2001	0.0	\$0 \$0	\$1,500	\$1,500
Other (as needed)	Ψ1,000	21 0011 2001	20 0011 2001	0.0	\$0 \$0	\$1,500	\$1,500 \$0
Notes for AVOIDED costs	Cos	its represent incre	eased personnel tir			thorized discharges	
Approx Cost of Compliance	\$1,500					TOTAL	\$1,500

James in a course type consumption and the course a	Page 7 of 14	06/14/05	C:\WINNT	\Temp\9-21-04 PCW.wb	2	
Screening Da	ate 26-Nov-01	Do	cket Numbe	r 2001-1422-MWD-E		PCW
Responde	ent Southwood Est	ates, Inc.			· .	evision 2 (09/02)
Case ID I	No. 776	7			PCW R	evision 09/24/02
Respondent/Site ID	No. TPDES Permit	No. 12780-00)1			
Media [Statu	te] Water Quality				ē	
Enf. Coordina	tor Terry Murphy					
Violation Numb	per 3					
Primary Rule C	TPDES Permi			and Reporting Requirem de § 319.7(d)	ents 1 and 30	
Secondary Cite	2(5)	30 Te	x. Admin. Co	de § 305.125(1)		
Violation Descripti	Failure to subn	ns for 1/00 thr	ough 6/00 and	orts (DMRs) by the twent d 8/00 through 5/01 (see a ing a record review on 1/	attached Table	
,	<u> </u>				Base Penalty	\$10,000
» Environment	al, Property and	Human He	alth Matrix	STATE OF THE PROPERTY OF THE P		• • • • • • • • • • • • • • • • • • • •
, <u>Liviloinino</u> ,	and an expension of	Harm				
Relea	ase Major	Moderate	e Minor			
OR Act		Moderate	J MILLON	7		
Poten				Percent		
, oton			I			
» Programmati	c Matrix					•
Falsification	Major	Moderate	e Minor	na.		
OR		x		Percent	5%	-
diamination:]	•
Matrix The Respo		oly with 50% on the control of the c		e rule requires both		•
				Adjustment	-\$9,500	
,					alty Subtotal	\$500
Violation Eve	nts				arty Subtotar	φοσο
The second secon	Violation Events	16				
1\u00e4umber of	Y TOTALLON BY CHE	· L			. , ,	
mark only one; use sma	all x daily	;				
man only one, ase one	monthly					•
	quarterly					•
	semiannua			Violation B	ase Penalty	\$8,000
	annua					
	single even					
	La constant or or or	-				
Events Notes Sixteen violation		nmended for to 6/00 and 8/00		e DMRs for the months I.		
Economic Be	enefit (EB) for th	s violation	100	Statutory Limit Tes	t in the	2018年6年
			rouns accommunity		ſ-	
Estimate	d EB Amount (\$))	\$6	Violation Final P	enalty total	\$16,800
	This Vi	olation Fin	al Assess	ed Penalty (adjuste	d for limits)	\$16,800

Respondent ID Number(s)	Southwood Estates 7767	, Inc.				Percent		18 4 S 18 Y 18 F 18
Media [Statute]						Interest		Depreciation
Violation Number	3					press - Septimber Plan	5.0	15
	ltem	Date	Final		Interest	Onetime	Vindi 60-jul	EB
ltem	Cost	Required	Date		Saved	Costs		Amount
Description	No commas or \$	Waller of Strain						
					in American de Manierande Re	Tarana Caranasa Santasa Taranasa		
Delayed Costs Equipment				0.0	¢0	J. S. W. S.	\$0	ድስ
Buildings				0.0	\$0 \$0		\$0	\$0 \$0
Other (As needed)							\$0	\$0
Engineering/construction				0.0	\$0 \$0		\$0 \$0	\$0 \$0
Land				0.0	\$0 \$0	n/a	φυ	\$0 \$0
Record Keeping System	\$80	2-Feb-2000	5-Jul-2001	1.4	\$0 \$6	n/a n/a	197 V	\$0 \$6
Training/Sampling	Ψου	21002000	0 001 200 1	0.0	\$0	n/a	. 1	\$0
Remediation/Disposal				0.0	\$0	n/a		\$0
•								
Permit Costs Other (As Needed)				0.0	\$0	n/a		\$0
Permit Costs	The first report was		e last report was \$5 for each of th	0.0 0.0 submitted	\$0 \$0 17/5/01. The co	n/a n/a	ailings	\$0 \$0
Permit Costs Other (As Needed)			\$5 for each of th	0.0 0.0 submitted ne 16 over	\$0 \$0 17/5/01. The codue reports.	n/a n/a est of timely ma		\$0 \$0 to the TNRCC
Permit Costs Other (As Needed) Notes for DELAYED costs			\$5 for each of th	0.0 0.0 submitted ne 16 over	\$0 \$0 17/5/01. The codue reports.	n/a n/a st of timely ma		\$0 \$0 to the TNRCC
Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	A		\$5 for each of th	0.0 0.0 submitted	\$0 \$0 17/5/01. The codue reports.	n/a n/a est of timely mands t for one-time	avolc	\$0 \$0 to the TNRCC
Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	A		\$5 for each of th	0.0 0.0 submitted te 16 over	\$0 \$0 1 7/5/01. The coduce reports.	n/a n/a est of timely mander of or one-time	avolc	\$0 \$0 to the TNRCC ded costs)
Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	A		\$5 for each of th	0.0 0.0 submitted te 16 over	\$0 \$0 17/5/01. The codue reports. ng item (except	n/a n/a est of timely mands of timely mands	avoic \$0 \$0	\$0 \$0 to the TNRCC ded costs) \$0 \$0
Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	A		\$5 for each of th	0.0 0.0 submitted te 16 oven ore enterin 0.0 0.0 0.0	\$0 \$0 17/5/01. The codue reports. ng item (except \$0 \$0	n/a n/a est of timely mands tor one-time	\$0 \$0 \$0 \$0	\$0 \$0 to the TNRCC ded costs) \$0 \$0
Permit Costs Other (As Needed) Notes for DELAYED costs AVOIDED AVOIDED Personnel inspection/Reporting/Sampling Supplies/equip	A		\$5 for each of th	0.0 0.0 submitted the 16 oven 0.0 0.0 0.0 0.0 0.0	\$0 \$0 17/5/01. The codue reports. ng item (except \$0 \$0 \$0	n/a n/a est of timely man	\$0 \$0 \$0 \$0 \$0	\$0 \$0 to the TNRCC ded costs) \$0 \$0 \$0
Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	A		\$5 for each of th	0.0 0.0 submitted ne 16 over 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 17/5/01. The codue reports. ng item (except \$0 \$0 \$0 \$0	n/a n/a est of timely mands of timely mands	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 to the TNRCC ded costs) \$0 \$0 \$0
Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]	A		\$5 for each of th	0.0 submitted ne 16 over 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0	\$0 \$0 17/5/01. The coduce reports. ng item (except \$0 \$0 \$0 \$0 \$0	n/a n/a est of timely mands of timely mands	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 to the TNRCC ded costs) \$0 \$0 \$0

,		Page 9 of 14	06/14/05	C:\WINNT\T	emp\9-21-04 PCW.wb2		
S	Screening Date	26-Nov-01	Dock	et Number	2001-1422-MWD-E	É	PCW
	Respondent	Southwood Estat	es, Inc.			=	evision 2 (09/02)
	Case ID No.	7767				PCW R	evision 09/24/02
Responde	ent/Site ID No.	TPDES Permit N	o. 12780-001				
M	Iedia [Statute]	Water Quality					
En	f. Coordinator	Terry Murphy					
Viol	lation Number	4					
Prin	nary Rule Cite	TPDES Permi	t No. 12780-0 Disposed in a	01 Requireme Municipal Sol	ents Applying to All Sewa lid Waste Landfill G.	age Sludge	
Sec	ondary Cite(s)		30 Tex	. Admin. Code	e § 305.125(1)		
Violatio	on Description	Team of the E	nforcement D	ivision, by 9/1/	Office and Database and /01, an annual sludge re uring a record review on	port for the	
	•				I	Base Penalty	\$10,000
» Ei	nvironmental.	Property and F	luman Hea	Ith Matrix		JE	•
	n in Standal State Communication of Building State Communication of the	and the second distribution of the second	Harm	Richt Verlag Geregeleiter in John voller neren agenyaar zo	overski za znik 200 militari i i ziskovadni u 200. 200 kon zazani na na zavih ustani i 1997 (1996)		
	Release	Major .	Moderate	Minor			•
OR	Actual						
	Potential				Percent		
					<u> </u>		
» Pi	rogrammatic N	1atrix					
	Falsification	Major	Moderate	Minor			* .
OR	1	x			Percent	10%	
Motrix							•
Matrix Notes	The R	espondent has fa	iled to comply	with 100% of	the rule.		•
· L							•
					Adjustment	-\$9,000	
					Base Pena	lty Subtotal	\$1,000
Vi	olation Events			-			
	Number of Vi	olation Events	1	<u>.</u>		<i>.</i>	
		e de grana a vez het pe de generale. T		_			•
mark onl	y one; use small x	daily					•
		monthly		_			•
٠		quarterly		_			***
		semiannual			Violation Ba	se Penalty	\$1,000
		annual		_			
	ļ	single event	X		•		
					11		
Events C Notes	ne single violatio		nended for fail late of 9/1/01.	iure to submit	the report by the due		
110100							
					6. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.		
, sur la Eq	conomic Bene	fit (EB) for this	violation	1 //65-65	Statutory Limit Test		
	Estimated E	B Amount (\$)	\$3	4	Violation Final Pe	enalty total	\$2,100
			<u>.</u>			آ. ب ہ ی	-
		This Vio	lation Fina	I Assessed	l Penalty (adjusted	i tor limits)	\$2,100

ood Estates 7767 Quality 4 em ost mas or \$	Control of the Contro	Benefit Worl	kshee!		Percent	
7767 Quality 4 em ost	Date	医多克氏管 医甲基氏 具有 建铁金属铁铁矿		73 33 33 34 34	Percent	
Quality 4 em ost	\$666年,1968年,1967年李安安,培育、445	医多克氏管 医甲基氏 具有 建铁金属铁铁矿			Percent	
4 em ost	\$666年,1968年,1967年李安安,培育、445	医多克氏管 医甲基氏 具有 建铁金属铁铁矿		3 '		
ost	\$666年,1968年,1967年李安安,培育、445	医多克氏管 医甲基氏 具有 建铁金属铁铁矿		.	Interest	Depreciation
ost	\$666年,1968年,1967年李安安,培育、445	医多克氏管 医甲基氏 具有 建铁金属铁铁矿		5.0	15
	Required	and the second s		Interest	Onetime	EB
mas or a		Date		Saved	Costs	Amount
				이 중 가는 것 개통합니다	Saka <u>La 229 Ad 12</u>	
			10 MAR 11	Agrada sa Misas		
\$300	14-Sep-2001	1-May-2003	4.0		600	<u> 1980-in Agrico (1980</u>
φ300	14-3ер-2001	1-Way-2003	1.6	\$2	\$33	\$34
						\$C
						\$C
						\$0
			0.0	\$0	n/a	\$0
			0.0	\$0	n/a	\$0
			0.0	\$0	n/a	\$C
	200 to 62 (484)		0.0	\$0	n/a	\$0
			0.0	\$0	n/a	\$0
			0.0	\$0	n/a	\$0
						Boyle No.
A	NNUALIZE [1] ave	oided costs befo	re enteri	ng item (except	for one-time avo	ided costs)
A	NNUALIZE [1] avo	oided costs befo	re enteri 0.0	\$0	\$0	
A 	NNUALIZE [1] av	pided costs befo		\$0 \$0	\$0 \$0	\$0
A 	NNUALIZE [1] ave	oided costs befo	0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0
A 	NNUALIZE [1] ave	pided costs befo	0.0	\$0 \$0 \$0 \$0	\$0 \$0	\$0 \$0 \$0
		oided costs befo	0.0	\$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
		oided costs befo	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
		pided costs befo	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
		pided costs befo	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
		pided costs befo	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
		pided costs befo	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
		pided costs befo	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$10ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
				0.0 0.0 0.0 0.0 0.0 0.0	0.0 \$0 0	0.0

		Page 11 of 14	06/14/05	C:\WINNT\T	emp\9-21-04 PCW.wb2	2	
	Screening Date	26-Nov-01	Docket	Number 2	2001-1422-MWD-E		PCW
	Respondent	Southwood Esta	tes, Inc.			•	vision 2 (09/02)
	Case ID No.	7767				PCW Re	vision 09/24/02
Respor	ndent/Site ID No.	TPDES Permit N	No. 12780-001				
	Media [Statute]	Water Quality					
	Enf. Coordinator						
	iolation Number	5	1				
Pı	rimary Rule Cite	TPDES Permit		lonitoring ar dmin. Code	nd Reporting Requireme § 319.7(d)	ents 1 and 30	
	econdary Cite(s)				§ 305.125(1)		
	ation Description						
7 1012	tion Description				oorts (DMRs) for 7/00 a a record review on 5/1		
	-				I	Base Penalty	\$10,000
»	Environmental,	Property and I	Human Health	ı Matrix			• • • • • • • • • • • • • • • • • • • •
	Caralla Carall		Harm		Makia procession Control Control Dec. C.C. St. Liver vectoria Audio VI		
	Release	Major	Moderate	Minor			
OR	Actual	iviajoi	Wioderate	IVIII IOI			
, UK	Potential				Percent		
	Fotential		<u> </u>		1 cr cent		
»	Programmatic N	1atriy					
	2227	Old Control of the Co	Moderate	Minor			-
OR	Falsification	Major x	Ivioderate	IVIIIIOI	Percent	10%	- Indiana
12.2					1 ci cent	1076	i de la constante de la consta
Matrix Notes	The	Respondent faile	d to comply with	100% of the	rule.		
. 1							··
					Adjustment	-\$9,000	* * * *
					Base Pena	lty Subtotal	\$1,000
	Violation Events		127				-
	Number of Vi	olation Events	11				• • • • •
	;	F 358,3054 - 579,315,031		1			•
mark	only one; use small x	daily					•
		monthly			•		•
		quarterly					•
		semiannual			Violation Ba	se Penalty	\$11,000
		annual					
	, 1	single event	×				
Events	Eleven single viola				DMRs not submitted		
Notes		for the months	7/00, and 6/01 th	rough 3/02.			
	Economic Rone	fit (EB) for this	violation		Statutory Limit Test		1.7
	Economic Belle	ne(LD)(IO)(IIIS	, violationi (************************************		oracorony custing a Con-		
	Estimated E	B Amount (\$)	\$8		Violation Final Pe	enalty total	\$23,100
		This Vio	lation Final A	Assessed	Penalty (adjusted	l for limits)	\$23,100

	werk where did all their	Economic	Benefit Wor	ksheet			
Respondent	Southwood Estates	The state of the s	an ann an an Their Carlo		**************************************	- Cuentral entre de la manta estas.	e de ensignateur et nom en seu saute en
ID Number(s)		,				Percent	
Media [Statute]			*			Interest	Depreciation
Violation Number						5.0	15
	Item	Date	Final		Interest	Onetime	EB
Item Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Delayed Costs							
Delayed Costs Equipment		The state of the s	Service Company (Vince)	0.0	\$0	so	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)	<u> </u>			0.0	\$0 \$0	\$0	φο \$0
Engineering/construction				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction Land	<u> </u>				\$0 \$0	n/a	\$0
Record Keeping System	\$55	20-Jul-2000	1-May-2003	0.0	\$8	90 80 95 95	\$8
		20-301-2000	1-Way-2003	2.8		n/a n/a	φο \$0
Training/Sampling				0.0	\$0	10 0 0 2 3 5 V 1 V	
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	H H	l l	- 1	0.0	\$0	n/a	\$0
							-
Other (As Needed) Notes for DELAYED costs		sts of submitting [OMRs to the TNRO	0.0	\$0	n/a	\$0
Notes for DELAYED costs	Со		OMRs to the TNRO	0.0 CC = \$5 for	\$0 each of the 1	n/a 1 missing reports.	\$0
	Co		magangan sagarangan sa sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa	0.0 CC = \$5 for	\$0 each of the 1	n/a	\$0
Notes for DELAYED costs Avoided Costs	Co		magangan sagarangan sa sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa	0.0 CC = \$5 for ore entering 0.0	\$0 each of the 1 gitem (excep	n/a 1 missing reports. t for one-time av	\$0 pided costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Co	NNUALIZE [1] av	magangan sagarangan sa sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa	0.0 CC = \$5 for	\$0 each of the 1 gitem (excep	n/a 1 missing reports. t for one-time ave	sided costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Co	NNUALIZE [1] av	magangan sagarangan sa sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa	0.0 CC = \$5 for or o	\$0 each of the 1 gitem (exception \$0 \$0 \$0	n/a 1 missing reports. It for one-time average \$0 \$0 \$0	\$0 bided costs) \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip	Co	NNUALIZE [1] av	magangan sagarangan sa sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa	0.0 CC = \$5 for ore entering 0.0 0.0 0.0	\$0 each of the 1 gitem (excep \$0 \$0 \$0 \$0	n/a 1 missing reports. It for one-time average \$0 \$0 \$0 \$0	\$0 bided costs) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2]	Co	NNUALIZE [1] av	magangan sagarangan sa sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa	0.0 CC = \$5 for one entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 each of the 1 gitem (excep \$0 \$0 \$0 \$0 \$0 \$0	n/a 1 missing reports. at for one-time average \$0 \$0 \$0 \$0 \$0 \$0	\$0 bided costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]	Co	NNUALIZE [1] av	magangan sagarangan sa sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa	0.0 CC = \$5 for core entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 each of the 1 gitem (exception \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a 1 missing reports. It for one-time average so	\$0 pided costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2]	Co	NNUALIZE [1] av	magangan sagarangan sa sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa	0.0 CC = \$5 for one entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 each of the 1 gitem (excep \$0 \$0 \$0 \$0 \$0 \$0	n/a 1 missing reports. at for one-time average \$0 \$0 \$0 \$0 \$0 \$0	\$0 bided costs) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Co	NNUALIZE [1] av	magangan sagarangan sa sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa sagarangan sa	0.0 CC = \$5 for core entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 each of the 1 gitem (exception \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a 1 missing reports. It for one-time average so	\$0 pided costs) \$0 \$0 \$0 \$0 \$0

		Page 13 of 14	06/14/05		emp\9-21-04 PCW.wb	2	
	Screening Date	26-Nov-01	Dock	et Number 2	001-1422-MWD-E		PCW
	Respondent	Southwood Estat	es, Inc.			•	vision 2 (09/02)
	Case ID No.	7767				PCW Re	evision 09/24/02
Respon	ident/Site ID No.		o. 12780-001				
	Media [Statute]						
	Enf. Coordinator		l				
V	iolation Number	6				<u></u>	1
Pı	rimary Rule Cite	TPDES Permit N			ations and Monitoring	Requirements	
	econdary Cite(s)		30 Tex.	Admin. Code	§ 305.125(1)		
Viola	ation Description				its, as documented du ed Table B for details.		
	l	<u> </u>				Base Penalty	\$10,000
»	Environmental,	Property and H	luman Heal	th Matrix		· ·	•
	CLASS CONTRACTOR STATE OF THE	ale consideration and the second control of the second control of the second control of the second control of	Harm	With Michigan Color and Commission of the Commis	222 0.2.2 (0.0.4) (0.0.4) (0.0.4) (0.0.4) (0.0.4) (0.0.4) (0.0.4) (0.0.4) (0.0.4) (0.0.4)		
	Release	Major	Moderate	Minor ·			
OR	Actual			х		**************************************	
196	Potential				Percent	10%	•
鐵腳			STORE COMPANIES				
»	Programmatic N	/latrix					•
	Falsification	Major	Moderate	Minor			•
OR					Percent		:
Matrix Notes	whether the disch health or the enviro The amounts disc	arged amounts of nment. TSS, pH,	pollutants exc and chlorine r e of the violati	ceeded levels p esidual values ons were insig	d flow to determine protective of human were also evaluated. inficant and did not al receptors.		•
					Adjustment	-\$9,000	
				•	- '	alty Subtotal	\$1,000
	Violation Events						
	Number of Vi	olation Events	3]			
	,	T Born Norden Strukur9⊞					
mark	only one; use small x	daily		_			•
		monthly					`•
		quarterly	X				
		semiannual			Violation B	ase Penalty	\$3,000
		annual	<u> </u>	4			
		single event					
Events	Three quarterly eve	nts are recommer	nded based on	violations repo	orted for nine months		
Notes	al	uring the period O	cropel 1999 iu	rough May 200	/h.		
						J	
	Economic Bene	fit (EB) for this	violation	Service S	Statutory Limit Tes	t	
						:	**************************************
	Estimated E	EB Amount (\$)	\$	0	Violation Final P	enalty total	\$6,300
						, <u>, , , , , , , , , , , , , , , , , , </u>	
		This Vio	lation Fina	Assessed	Penalty (adjuste	d for limits)	\$6,300

	Page 14 of		Benefit Works	heet			45 HOX 2-31-15
		Economic	er ar vir i barres nacinalistica ka	inyya a			TENNESS CONTRACTOR CONTRACTOR
Respondent	Southwood Estates,	Inc.					
ID Number(s)	7767					Percent	
Media [Statute]	Water Quality					Interest	Depreciation
Violation Number	6		and the second s	s programpy with our constitution		5.0	15
	Item	Date	Final	li I	nterest	Onetime	EB
ltem	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$			iadamuni			
				ujesajy			
Delayed Costs Equipment				<u> </u>	\$0	\$0	\$0
Buildings				0.0		\$0 \$0	
Other (As needed)	···			0.0	\$0	\$0 \$0	\$0
Engineering/construction				0.0	\$0		\$0
Land				0.0	\$0 \$0	\$0	\$0 \$0
Record Keeping System				0.0	\$0	n/a	
Record Reeping System				0.0	\$0	n/a	\$0
Tuaining/Compling		1		0.0	\$0	n/a	\$0
Training/Sampling					001		
Remediation/Disposal				0.0	\$0	n/a	
Remediation/Disposal Permit Costs				0.0	\$0	n/a	\$0
Remediation/Disposal		Fooromia ha		0.0	\$0 \$0	n/a n/a	\$0
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs			enefits for this violation	0.0 0.0 n are inclu	\$0 \$0 uded in Viola	n/a n/a ution No. 1.	\$0 \$0 \
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Ävoided Costs	A			0.0 0.0 n are inclu	\$0 \$0 uded in Viola	n/a n/a ation No. 1. at for one-time ave	
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal	Al		enefits for this violatio	o.0 o.0 on are incluentering	\$0 \$0 uded in Viola item (excep	n/a n/a ation No. 1. at for one-time ave	\$0 \$0 ' pided costs)
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Al		enefits for this violatio	0.0 0.0 n are incluent	\$0 \$0 uded in Viola item (excep	n/a n/a stion No. 1. It for one-time average \$0 \$0	\$0 \$0 ' pided costs) \$0 \$0
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Ävoided Costs Disposal Personnel Inspection/Reporting/Sampling	Al		enefits for this violation	entering 0.0 0.0 0.0	\$0 \$0 uded in Viola item (excep \$0 \$0	n/a n/a stion No. 1. It for one-time average \$0 \$0 \$0	\$0 \$0 ' bided costs) \$0 \$0
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip	Al		enefits for this violation	o.0 o.0 on are inclusions entering o.0 o.0	\$0 \$0 uded in Viola item (excep	n/a n/a stion No. 1. It for one-time average \$0 \$0	\$0 \$0 v bided costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2]	AI		enefits for this violation	entering 0.0 0.0 0.0	\$0 \$0 uded in Viola item (excep \$0 \$0	n/a n/a stion No. 1. It for one-time ave \$0 \$0 \$0 \$0 \$0	\$0 \$0 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip	AI		oided costs before	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 uded in Viola item (excep \$0 \$0 \$0	n/a n/a stion No. 1. It for one-time average \$0 \$0 \$0 \$0	\$0 \$0 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	AI		enefits for this violation	entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 \$0 uded in Viola item (excep \$0 \$0 \$0 \$0	n/a n/a stion No. 1. It for one-time ave \$0 \$0 \$0 \$0 \$0	\$0 \$0 v bided costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]	AI		enefits for this violation	entering 0.0 0.0 entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 uded in Violatiem (excep \$0 \$0 \$0 \$0 \$0	n/a n/a stion No. 1. It for one-time ave \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 ' ' poided costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (As Needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Al		enefits for this violation	entering 0.0 0.0 entering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 uded in Violatiem (excep \$0 \$0 \$0 \$0 \$0	n/a n/a stion No. 1. It for one-time ave \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '

Page 1 of 1	06/14/05 C:\WIN	INT\Temp\9-21-04 PCW.\	wb2
	DMR Violation	Table	
D 1	Caustinua d Estatas Inc		345 (F) (A)
Respondent	Southwood Estates, Inc.		
ID.NUMBER	TPDES Permit No. 12780	-001, Enf. ID No. 8793-3	
Docket Number	2001-1422-MWD-E		3
Enf. Coordinator	Terry Murphy		45.1
			0.6348
Corresponds to Viola	ition Number:	3	
•	•		Number
			of days
For the month of	Date Due	Received	late
January 2000	February 20, 2000	July 17, 2000	147
February 2000	March 20, 2000	July 17, 2000	119
March 2000	April 20, 2000	July 21, 2000	92
April 2000	May 20, 2000	July 21, 2000	62
May 2000	June 20, 2000	July 21, 2000	31
June 2000	August 20, 2000	March 16, 2001	208
August 2000	September 20, 2000	March 16, 2001	177
September 2000	October 20, 2000	March 16, 2001	147
October 2000	November 20, 2000	March 16, 2001	116
November 2000	December 20, 2000	March 16, 2001	86
December 2000	January 20, 2001	March 16, 2001	55
January 200.1	February 20, 2001	March 16, 2001	24
February 2001	March 20, 2001	July 5, 2001	107
March 2001	April 20, 2001	July 5, 2001	76
. April 2001	May 20, 2001	July 5, 2001	46
May 2001	June 20, 2001	July 5, 2001	15

C:\WINNT\Temp\9-21-04 PCW.wb2 Effluent Limit Violation Table Corresponds to Violation Number: Effluent Parameter Permit Limit chlorine DO BOD TSS рΗ Flow residual daily av. at least 6 at least 1.0 7-day av. daily max. standard at least 2.0 daily av. 0.034 5.7 lb/day 5.9 MGD 0.141 Month/Year mg/L 20 mg/L 65 mg/L units mg/L Oct. 99 Jan. 00 25.1 Feb. 00 0.0 Jun. 00 0.0 0.8 Oct. 00 Nov. 00 0.0 24.4 81.0 4.7 Mar. 01 0.0 0.0 Apr. 01

Notes:

May 01

avg = average

max = maximum

mg/L = milligrams per liter lb/day = pounds per day TSS = total suspended solids DO = dissolved oxygen

BOD = biochemical oxygen demand (5-day)

MGD = million gallons per day

C.

Chronic excessive emissions events: None

COMPLIANCE HISTORY

Custo	mer/Respondent/Owner-	Operator:	Southwood Estates,	, Inc.	(Classification: Av	erage
Regul	ated Entity/ID Nos.:		Iowa Colony Plant,		,	Site Rating: 40.	89
			12780-001, Central RN102076239, CN	• •			
	ion (including city or nea	rest city,	Approximately 1900 miles east of the inte	feet north of SH 6 a		peat Violator: N (y/n)	
	Region No.		12			(9/11)	
	Compliance History Prep	pared:	9/26/02				
Agend	<u>cy</u> Decision Requiring Co						
	_	al, amendi	nent, modification, d	enial, suspension, o	r revocation of a	permit	
x	enforcement the use of announce	d investig	ations (Field Ops)				
	participation in inno	vative pro	ograms				
Comp	liance Period: 9/1/97	_	8				
TCEQ Name	staff person to contact f Terry Murphy	or additio	_	ding this complianone: (512) 239-		•	
				History Compone			
1.Has	the site been in existence	e and/or o	peration for the full f	ive year compliance	period? x	Yes No	Unk
	there been a (known) ch	_	wnership of the site of	luring the complian	ce period?	Yes x No	Unk
	es, who was/were the pri		(s)?				
	en did the change(s) in o		`				
	onents (multimedia) for t	-		the five-year com	oliance history th	he site was owne	d by the
perso	n who is the subject of t						
A.	Final enforcement order		_				
1.	Effective Date:	10/28/99		Type of Action:	1998-0219-MW	gs Order, Docket /D-E	No.
	Violation Citation 1:	30 TAC	317.3	Classification:	MODERATE		
	Violation Description:		meet design standard		•		
	Violation Citation 2:	30 TAC	305.125	Classification:	MODERATE		
	Violation Description:	Failed to	properly operate and	l maintain facility	MODERATE		
	Violation Citation 3:		307.4(i), TWC	Classification:			
		26.121	• • • • • • • • • • • • • • • • • • • •		MODERATE		
	Violation Description:		prevent an unauthor	_			
	Violation Citation 4:	condition	309.3(g), and Permit	Classification:	MODERATE		
	Violation Description:		maintain minimum o	chlorine residual	MODEIGNIE		
	Violation Citation 5:		291.76, 305.503(a),	Classification:			
			3412.041, TWC		MINOR		
		condition			•		
	Violation Description:			C1 'C' '			
	Violation Citation 6:		305.125(17), , and Permit	Classification:	MODERATE		
		condition			WODERATE		•
	Violation Description:		submit effluent repo	orts			
מו	A	 	toto of Tours and the	fodouol accessor	<u>.</u>		
В.	Any criminal conviction N/A	is of the s	iale of Texas and the	rederai governmen	·		
	11117				•		

D	The dates of investigat	iono			
D.	The dates of investigat	ions.			
	1. 9/16/99				
	2. 10/18/99	·			
	3. 11/12/99		•		
	4. 11/15/99				
	5. 11/22/99				
	6. 6/20/01				
	7. 6/27/01			•	
	8. 1/14/02				
_					
E.	Written notices of viola	ation (NOV)			
1.	Date: 9/16/99		Self-reported?	Yes	x No
	Violation Citation 1:	30 TAC 319.1 - 319.11	Classification:		MODERATE
	Violation Description:	Failure to submit effluent rep	ort		
2.	Date: 10/18/99		Self-reported?	Yes	x No
	Violation Citation 1:	30 TAC 319.1 - 319.11	Classification:	<u>—</u>	MODERATE
	Violation Description:	Failure to submit effluent rep	ort		
3.	Date: 11/15/99		Self-reported?	Yes	x No
٠.	Violation Citation 1:	30 TAC 319.1 - 319.11	Classification:		MODERATE
	Violation Description:	Failure to submit effluent re	010001111111111111		WODERTE
4.	Date: 7/26/01	Tanure to submit efficient rej	Self-reported?	Yes	x No
4.		A 1 O - 1 D1 4 N -		1 cs	X No
•	Violation Citation 1:	Agreed Order, Docket No.	Classification:	MATOR	
		1998-0219-MWD-E, OP 2.c.		MAJOR	
	Violation Description:	Failure to comply with Orde	-		
	Violation Citation 2:	Agreed Order, Docket No.	Classification:	3.61.707	
	•	1998-0219-MWD-E, OP 2.d.	••	MAJOR	
		e. and f.			
	Violation Description:	Failure to comply with Orde			
	Violation Citation 3:	Agreed Order, Docket No.	Classification:		
		1998-0219-MWD-E, OP 2.g.		MAJOR	
	Violation Description:	Failure to comply with Order		(
5.	Date: 10/99		Self-reported?	XYes	No
	Violation Citation 1:	30 Tex. Admin. Code §	Classification:		MODERATE
		305.125(1) and TPDES			
		Permit No. 12780-001		·	
	Violation Description:	Effluent			
6.	Date: 1/00		Self-reported?	X Yes	No
	Violation Citation 1:	30 Tex. Admin. Code §	Classification:	tenard.	MODERATE
		305.125(1) and TPDES			
		Permit No. 12780-001			
	Violation Description:	Effluent			
7.	Date: 2/00		Self-reported?	X Yes	No
	Violation Citation 1:	30 Tex. Admin. Code §	Classification:	<u> </u>	MODERATE
	Violation Citation 1.	305.125(1) and TPDES	Classification.		WODERCEE
		Permit No. 12780-001			
	Violation Description:	Effluent			
0	-	Efficient	0-16	77 77	□ NI -
8.	Date: 6/00	000 111 010	Self-reported?	X Yes	∐No
	Violation Citation 1:	30 Tex. Admin. Code §	Classification:		MODERATE
		305.125(1) and TPDES			
	***	Permit No. 12780-001			
	Violation Description:	Effluent			
9.	Date: 11/00		Self-reported?	X Yes	No
	Violation Citation 1:	30 Tex. Admin. Code §	Classification:		MODERATE
		305.125(1) and TPDES			
	•	Permit No. 12780-001			
	Violation Description:	Effluent		<u></u>	· .
				_ 	

	eon - Comp History - r					
		· · · · · · · · · · · · · · · · · · ·				
	•					
10.	Date: 3/01		Self-reported?	XYes	No	
	Violation Citation 1:	30 Tex. Admin. Code §	Classification:		MODERATE	
		305.125(1) and TPDES				
		Permit No. 12780-001				
	Violation Description:	Effluent			 	
11.	Date: 4/01		Self-reported?	XYes	No	
	Violation Citation 1:	30 Tex. Admin. Code §	Classification:		MODERATE	
		305.125(1) and TPDES				
	W:-1-4: D:4:	Permit No. 12780-001				
10	Violation Description: Date: 5/01	Effluent	0-16 4- 10		NT -	
12.	Violation Citation 1:	20 Toy Admin Codo S	Self-reported? Classification:	X Yes	No MODERATE	
	violation Citation 1:	30 Tex. Admin. Code § 305.125(1) and TPDES	Classification:		MODERATE	
		Permit No. 12780-001				
	Violation Description:					
F.	Environmental audits.	•				
г.	N/A					
	IN/A					
G.	Type of environmental	management systems (EMSs).			
	N/A		•			
H.	Voluntary on-site comp	liance assessment dates.				
	N/A					
I.	Participation in a value	tary pollution reduction prog	wa			
1.	N/A	tary politicion reduction prog	14111.			
		•				
J.	Early compliance.					
	N/A					
~.	0 11 0 0					
	Outside of Texas		•			
N/A						
	•					
,						
				·	•	

Texas Commission on Environmental Quality



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING SOUTHWOOD ESTATES, INC., TCEQ ID NO. 12780-001

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2001-1422-MWD-E

At its ______ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Southwood Estates, Inc. ("Southwood") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Southwood, presented this agreement to the Commission.

Southwood understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Southwood agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Southwood.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

- 1. Southwood owns and operates a wastewater treatment facility located at approximately 1900 feet north of State Highway 6 and two miles east of the intersection of State Highway 6 and State Highway 288 near Manvel, Brazoria County, Texas ("the Facility").
- 2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.

- During an inspection conducted on June 27, 2001 by a TCEQ Houston Regional Office investigator, and in record reviews conducted by TCEQ central office staff on June 20, 2001 and January 14, 2002, TCEQ staff documented that Southwood violated the following Ordering Provisions of Agreed Order No. 1998-0219-MWD-E, effective October 28, 1999, by failing to:
 - a. Conduct an analysis of the physical condition of each component of the existing wastewater treatment facility by December 27, 1999 (Ordering Provision 2.c.);
 - b. Develop and submit to the TCEQ by December 27, 1999, a written Standard Operating Procedure ("SOP") for the operation and routine scheduled and preventive maintenance of all components of the Facility, prepared by a Texas Registered Professional Engineer (Ordering Provision 2.d.);
 - c. Have a Texas Registered Professional Engineer review the SOP in the field with the Facility's operator(s) by January 26, 2000 (Ordering Provisions 2.e.);
 - d. Submit to the TCEQ written certification of completion of the SOP field review by February 5, 2000 (Ordering Provision 2.f.); and
 - e. Submit written certification of compliance with the limits of TPDES Permit No. 12780-001 and with the plans and schedules pursuant to Ordering Provisions 2.c. of Agreed Order Docket No. 1998-0219-MWD-E, by April 25, 2000 (Ordering Provision 2.g.).
- 4. Southwood's failure to comply with Agreed Order Docket No. 1998-0219-MWD-E caused the penalty amount deferred in that order (\$40,650.00) to become due and payable to the State of Texas.
- During an investigation conducted on June 27, 2001, a TCEQ Houston Regional Office investigator documented that Southwood failed to prevent the unauthorized discharge of wastewater from the northwest corner of the aeration basin, in violation of TPDES Permit No. 12780-001, Permit Conditions 2.d. and 2.g., and 30 Tex. ADMIN. CODE § 305.125(1) and (5).
- During a record review on January 14, 2002, TCEQ central office staff documented that Southwood failed to submit discharge monitoring reports ("DMRs") by the twentieth day of the following month for the months of January 2000 through June 2000 and August 2000 through May 2001, in violation of TPDES Permit No. 12780-001 Monitoring and Reporting Requirements 1, and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d).

- 7. During a record review conducted on January 14, 2002, TCEQ central office staff documented that Southwood failed to submit to the TCEQ Regional Office and Database Monitoring Team of the Enforcement Division, by September 1, 2001, an annual sludge report for the years 2000 and 2001, in violation of TPDES Permit No. 12780-001, Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill G, and 30 Tex. Admin. Code § 305.125(1).
- 8. During a record review conducted on May 13, 2002, TCEQ central office staff documented that Southwood failed to submit discharge monitoring reports (DMRs) for the months of July 2000, and June 2001 through March 2002, in violation of TPDES Permit No. 12780-001 Monitoring and Reporting Requirements 1, and 30 Tex. ADMIN. CODE §§ 305.125(1) and 319.7(d).
- 9. During a record review conducted on October 1, 2002, TCEQ central office staff documented that Southwood failed to comply with permitted effluent limits, in violation of TPDES Permit No. 12780-001 Effluent Limitations and Monitoring Requirements, and 30 TEX. ADMIN. CODE §§ 305.125(1). Specifically, Southwood exceeded its permit limits in the following areas:
 - a. The permitted limit for chlorine residual is at least 1.0 milligrams per liter ("mg/L"). Southwood reported 0.0 mg/L for the months of February, June, and November 2000, and March thru May 2001;
 - b. The permitted limit for total suspended solids ("TSS") in a 7-day average is 20 mg/L. Southwood reported 25.1 mg/L for the month of January 2000, and 24.4 mg/L for the month of March 2001;
 - c. The permitted daily maximum limit for TSS is 65 mg/L. Southwood reported an 81.0 mg/L for the month of March 2001;
 - d. The permitted limit for pH is at least 6 standard units. Southwood reported 4.7 units for the month of March 2001;
 - e. The permitted limit for dissolved oxygen ("DO") is at least 2.0 mg/L. Southwood reported 0.8 mg/L in the month of October 2000;
 - f. The permitted limit for biochemical oxygen demand ("BOD") is a daily average of 5.7 lbs/day. Southwood reported 5.9 lbs/day for the month of October 1999; and

- g. The permitted daily flow average under the permit is 0.034 million gallons day ("MGD"). Southwood reported a flow of 0.141 MGD for the month of October 1999.
- 10. Southwood received notice of the violations set forth in Paragraphs Nos. 3 and 4 above on or about September 19, 2001 and May 18, 2002.
- 11. The Executive Director recognizes that Southwood is selling the Facility with the closing date scheduled for on or about April 15, 2005, and will no longer own or operate the Facility.

CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact Nos. 1 and 2, Southwood is subject to the jurisdiction of the TCEQ pursuant to Tex. WATER CODE § 7.002 and Tex. WATER CODE ch. 26 and the rules of the Commission.
- 2. As evidenced by Finding of Fact No. 3, Southwood failed to:
 - a. Conduct an analysis of the physical condition of each component of the existing wastewater treatment facility by December 27, 1999 (Ordering Provision 2.c.);
 - b. Develop and submit to the TCEQ by December 27, 1999, a written Standard Operating Procedure ("SOP") for the operation and routine scheduled and preventive maintenance of all components of the Facility, prepared by a Texas Registered Professional Engineer (Ordering Provision 2.d.);
 - c. Have a Texas Registered Professional Engineer review the SOP in the field with the Facility's operator(s) by January 26, 2000 (Ordering Provisions 2.e.);
 - d. Submit to the TCEQ written certification of completion of the SOP field review by February 5, 2000 (Ordering Provision 2.f.); and
 - e. Submit written certification of compliance with the limits of TPDES Permit No. 12780-001 and with the plans and schedules pursuant to Ordering Provisions 2.c. of Agreed Order Docket No. 1998-0219-MWD-E, by April 25, 2000 (Ordering Provision 2.g.).
- f.
 3. As evidenced by Finding of Fact No. 4, Southwood owes \$40,650.00 to the State of Texas.

- 4. As evidenced by Finding of Fact No. 5, Southwood failed to prevent the unauthorized discharge of wastewater from the northwest corner of the aeration basin, in violation of TPDES Permit No. 12780-001, Permit Conditions 2.d. and 2.g., and 30 Tex. ADMIN. CODE § 305.125(1) and (5).
- 5. As evidenced by Finding of Fact No. 6, Southwood failed to submit discharge monitoring reports ("DMRs") by the twentieth day of the following month for the months of January 2000 through June 2000 and August 2000 through May 2001, in violation of TPDES Permit No. 12780-001 Monitoring and Reporting Requirements 1, and 30 Tex. ADMIN. CODE §§ 305.125(1) and 319.7(d).
- 6. As evidenced by Findings of Fact No. 7, Southwood failed to submit to the TCEQ Regional Office and Database Monitoring Team of the Enforcement Division, by September 1, 2001, an annual sludge report for the years 2000 and 2001, in violation of TPDES Permit No. 12780-001, Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill G, and 30 Tex. ADMIN. CODE § 305.125(1).
- 7. As evidenced by Finding of Fact No. 8, Southwood failed to submit discharge monitoring reports (DMRs) for the months of July 2000, and June 2001 through March 2002, in violation of TPDES Permit No. 12780-001 Monitoring and Reporting Requirements 1, and 30 Tex. Admin. Code §§ 305.125(1) and 319.7(d).
- 8. 'As evidenced by Finding of Fact No. 9, Southwood failed to comply with permitted effluent limits, in violation of TPDES Permit No. 12780-001 Effluent Limitations and Monitoring Requirements, and 30 Tex. ADMIN. CODE §§ 305.125(1). Specifically, Southwood exceeded its permit limits in the following areas:
 - a. The permitted limit for chlorine residual is at least 1.0 milligrams per liter ("mg/L"). Southwood reported 0.0 mg/L for the months of February, June, and November 2000, and March thru May 2001;
 - b. The permitted limit for total suspended solids ("TSS") in a 7-day average is 20 mg/L. Southwood reported 25.1 mg/L for the month of January 2000, and 24.4 mg/L for the month of March 2001;
 - c. The permitted daily maximum limit for TSS is 65 mg/L. Southwood reported an 81.0 mg/L for the month of March 2001;
 - d. The permitted limit for pH is at least 6 standard units. Southwood reported 4.7 units for the month of March 2001;

- e. The permitted limit for dissolved oxygen ("DO") is at least 2.0 mg/L. Southwood reported 0.8 mg/L in the month of October 2000;
- f. The permitted limit for biochemical oxygen demand ("BOD") is a daily average of 5.7 lbs/day. Southwood reported 5.9 lbs/day for the month of October 1999; and
- g. The permitted daily flow average under the permit is 0.034 million gallons day ("MGD"). Southwood reported a flow of 0.141 MGD for the month of October 1999.
- 9. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against Southwood for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- In addition to the amount owed under Conclusion of Law No. 3, an administrative penalty in the amount of thirty-one thousand three hundred fifty dollars (\$31,350.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. WATER CODE § 7.053. Southwood agrees to place the seventy-two thousand dollars (\$72,000.00) to satisfy both the amount owed under Conclusion of Law No. 3 and the amount of the penalty as set forth in this Conclusion of Law into an escrow account to be paid at the time of the closing on or about April 15, 2005.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Southwood is assessed an administrative penalty in the amount of thirty-one thousand three hundred fifty dollars (\$31,350.00) as set forth in Conclusion of Law No. 10 for violations of TCEQ rules and state statutes. The imposition of this administrative penalty and Southwood's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Southwood Estates, Inc.; Docket No. 2001-1422-MWD-E; Enforcement ID No. 7767" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

2. Southwood, in addition, shall pay forty thousand six hundred fifty dollars (\$40,650.00) as set forth in Conclusion of Law No. 3, to satisfy the debt owed to the State. Payment of this amount shall be sent with the notation "Re: Southwood Estates, Inc.; Docket No. 1998-0219-MWD-E; Enforcement ID No. 8793-3 to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 3. The provisions of this Agreed Order shall apply to and be binding upon Southwood. Southwood is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Southwood if the Executive Director determines that Southwood has not complied with one or more of the terms or conditions in this Agreed Order.
- 5. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Southwood in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

SOUTHWOOD ESTATES, INC. DOCKET NO. 2001-1422-MWD-E Page 8

8. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142, the effective date is the date of hand-delivery of the Order to Southwood, or three days after the date on which the Commission mails notice of the Order to Southwood, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

I, the undersigned, have read and understand the attached Agreed Order in the matter of Southwood Estates, Inc. I am authorized to agree to the attached Agreed Order on behalf of Southwood Estates, Inc. and do agree to the specified terms and conditions.

I understand that by entering into this Agreed Order, Southwood Estates, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional
- penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against
- me: and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

DAVID S. MILLER

wid S. Miller

Name (printed or typed) Authorized Representative Southwood Estates, Inc.

I, the undersigned, on behalf of the Executive Director of the Texas Commission on Environmental Quality, hereby agree to the terms of this Agreed Order in lieu of an evidentiary hearing. This Agreed Order represents full and final adjudication of the violations giving rise to this Agreed Order.

For the Executive D

3-24-05 Date